

LEGAL NOTICE CHECK LIST

1. Do you have knowledge of the infestation? Your maps or notes from inspecting the property may be enough. Photographs, signed and dated, are good insurance.
2. Did you publish the General Notice (beginning in 1996) or send an Official Notice? Neither are required for a fall legal notice to treat musk thistle that went to seed in the summer.
3. Beginning in 1996, did you contact the landowner by regular mail, in person or by phone? If you sent an Official Notice, there were contacted. If you published a General Notice in the paper, you should make contact with the landowner.
4. Items that must be on a Legal Notice or included with a notice:
 1. Owners name and address as shown on the records at the County Clerks Office.
 2. Operator or supervising agent if known. Example: Owner - SCCC Railroad, Supervisor - Joe Blow, Maintenance Engineer.
 3. Legal Description - Include the entire tract of land owned but give specific directions where you found the problem. Example: SE 1/4 12-2-8 most of the musk thistle is in the SW 1/4 SE 1/4 12-2-8 but may be scattered throughout.
 4. Approximate acres of each weed - Do not be conservative. If it is scattered or may be scattered throughout, list the total acreage for the tract of land.
 5. Deadline for completion - The minimum is 5 days. (5 working days to be safe, for all noxious weeds). There is no maximum but give yourself time to treat.
 6. Official methods for each weed - Attach a copy of the Official Control Plan for each weed listed on the notice.
 7. Statement - A statement that tells the landowner that if not controlled you may enter as often as necessary and control the weed or the landowner may be prosecuted and if convicted fined \$100 per day up to \$1500.
5. Send the notice certified mail, return receipt requested, or have the notice delivered by the sheriff. You may have to pay mileage to the sheriff if you do this outside your county.
6. During this time period allowed on the notice the landowner may purchase cost-share herbicides.
7. After the deadline on the notice, inspect the property, document failure to control, if that is the case by taking photographs and having a second witness.
8. If livestock are present or anticipated, advise the landowner or operator that you will be treating or having the area treated.
9. If you suspect trouble, always bring a law enforcement officer when you enter the property.
10. Treat as often as necessary to control the infestation. ALWAYS treat according to the label and the official methods.
11. Send the bill, full cost plus 10%, with the Proof Notification when you are finished treating. Make sure the County Clerk and the Register of Deeds receive a copy. If it is placed upon the tax rolls or as a lien on the property, discuss the collection procedure with the County Clerk. You may not be authorized to receive payment after that point.